



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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December 1, 2009

IN REPLY PLEASE

ADOPTED

REFER TO FILE: WM-6

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

23 December 8, 2009

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**MEMORANDUM OF UNDERSTANDING BETWEEN AMIGOS DE LOS RIOS AND
THE COUNTY OF LOS ANGELES DEPARTMENTS OF PUBLIC WORKS AND
PARKS AND RECREATION TO ESTABLISH COLLABORATIVE EFFORTS TO
SUPPORT THE PLANNING AND IMPLEMENTATION OF PROJECTS INCLUDED IN
THE EMERALD NECKLACE RECREATIONAL DEVELOPMENT PLAN
RIO HONDO AND SAN GABRIEL RIVER AREA
(SUPERVISORIAL DISTRICTS 1 AND 5)
(3 VOTES)**

SUBJECT

This action is to authorize the Director of Public Works or her designee and the Director of Parks and Recreation or his designee to enter into a Memorandum of Understanding with Amigos de Los Rios.

JOINT RECOMMENDATION WITH THE DIRECTOR OF PARKS AND RECREATION THAT YOUR BOARD:

1. Find that the proposed administrative action is not subject to the California Environmental Quality Act as the action does not meet the definition of a project according to Section 15378 (b)(5) of the California Environmental Quality Act Guidelines because the action is an administrative activity of government, which will not result in direct or indirect physical changes to the environment.

2. Authorize the Director of Public Works or her designee and the Director of Parks and Recreation or his designee to execute a Memorandum of Understanding with Amigos de Los Rios and to take all steps necessary to implement the Memorandum of Understanding.
3. Authorize the Director of Public Works or her designee and the Director of Parks and Recreation or his designee to waive permit fees for approved Emerald Necklace projects implemented by Amigos de Los Rios pursuant to the Memorandum of Understanding.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to request your Board to authorize the Director of Public Works or her designee and the Director of Parks and Recreation or his designee to execute a Memorandum of Understanding (MOU) with Amigos de Los Rios (AMIGOS), a California nonprofit organization established in 2003. In 2005, in conjunction with various cities and stakeholders, AMIGOS proposed and developed a Vision Plan for the Emerald Necklace, a 17-mile loop of parks and greenways along the Rio Hondo and San Gabriel River. The MOU will provide an understanding of the intentions, goals, and plans of the parties to the MOU pertaining to the Emerald Necklace; facilitate the coordinated review of proposed Emerald Necklace projects; and clarify the process through which AMIGOS will be permitted to implement projects on Los Angeles County Flood Control District (LACFCD) properties/easements or on the County of Los Angeles (County) properties/easements under the jurisdiction of the Department of Parks and Recreation. The MOU is congruent with your Board's resolution encouraging the concept of developing the Emerald Necklace with the Departments of Public Works and Parks and Recreation working in coordination with AMIGOS adopted June 13, 2006.

Since its inception, AMIGOS has been instrumental in the development of several projects, including the San Gabriel Canyon Gateway in the City of Azusa and three park projects in the City of El Monte, namely, Rio Vista Park and Trail, Lashbrook Park, and Durfee-Thompson Park.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) by developing partnerships and Community and Municipal Services (Goal 3) by increasing recreational opportunities for citizens of the County.

FISCAL IMPACT/FINANCING

The LACFCD and/or Department of Parks and Recreation will be responsible for maintaining projects constructed by AMIGOS pursuant to the enclosed MOU. However, projects intended to be maintained by the LACFCD will only be implemented if sufficient funding is identified and available in the LACFCD Budget for their maintenance and operation. In addition, projects to be maintained by the Department of Parks and Recreation will be brought back to your Board prior to construction for approval of improvements to County assets and to request funding for operations and maintenance.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The MOU is authorized pursuant to the Los Angeles County Flood Control Act (LACFCA). Section 2 of the LACFCA authorizes the LACFCD "to provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district." Section 2 of the LACFCA also authorizes the LACFCD "to preserve, enhance, and add recreational features to its properties . . . for the protection, preservation, and use of the scenic beauty and natural environment for such properties."

Pursuant to Section 56-3/4 of the County Charter and the agreement between the County and LACFCD approved on December 26, 1984, the County by and through the Department of Public Works is responsible for administering all matters for the LACFCD.

Projects on Federal lands (Whittier Narrows Recreation/Santa Fe Dam) leased to the County by the U.S. Army Corps of Engineers (Corps) and under the Department of Parks and Recreation's jurisdiction will require Corps' approval.

ENVIRONMENTAL DOCUMENTATION

The MOU is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378 (b) of the CEQA Guidelines. The MOU is an administrative activity of government that will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is a potential impact on current County services attributable to staff time diverted for meetings and MOU project reviews, which otherwise would be available to provide other County services and manage ongoing County projects. The execution of the MOU to establish an understanding of the contracting parties' intentions, goals, and plans concerning potential improvements, developments, and maintenance activities along the Emerald Necklace's boundaries will further the enhancement of the quality of life for residents in the region by improving water quality and increasing recreational opportunities along the Rio Hondo and San Gabriel River.

CONCLUSION

Please return three adopted copies of this letter to the Department of Public Works, Watershed Management Division, and three adopted copies to the Department of Parks and Recreation, Development Division.

Respectfully submitted,



for GAIL FARBER
Director of Public Works



RUSS GUINEY
Director of Parks and Recreation

GF:GH:lm

Enclosure

- c: Chief Executive Office (Lari Sheehan)
County Counsel
Executive Office
Department of Parks and Recreation (Ruiz-Hoffman)

MEMORANDUM OF UNDERSTANDING
EMERALD NECKLACE RECREATIONAL DEVELOPMENT PLAN

THIS MEMORANDUM OF UNDERSTANDING (hereinafter referred to as MOU), made and entered into by and between the COUNTY OF LOS ANGELES (hereinafter referred to as COUNTY), a political subdivision of the State of California acting by and through its Department of Public Works (hereinafter referred to as DPW) and its Department of Parks and Recreation (hereinafter referred to as DPR), and AMIGOS DE LOS RIOS (hereinafter referred to as AMIGOS), a nonprofit 501(c)(3) organization, collectively (hereinafter referred to as the Parties).

WITNESSETH

WHEREAS, the Parties to this MOU recognize that the increasingly urbanized development of the region has reduced the amount of available recreational space and open space for its residents; and

WHEREAS, the Emerald Necklace is a proposed 17-mile loop of interconnected multibenefit projects along the Rio Hondo and San Gabriel River and their tributaries; and

WHEREAS, COUNTY Board of Supervisors adopted a Board Motion to encourage the Emerald Necklace development; and

WHEREAS, the Emerald Necklace includes significant ecological areas that are home to a rich variety of plants and animals and provides a welcome sanctuary for the people who call the region home; and

WHEREAS, COUNTY currently operates and maintains parks and multiuse trails along the Rio Hondo and San Gabriel River, including the Santa Fe Dam Recreation Area, Whittier Narrows Regional Park, Peck Water Conservation Park, Rio Hondo River Trail, and San Gabriel River Trail; and

WHEREAS, the Los Angeles County Flood Control District (LACFCD) operates and maintains flood control and water conservation improvements along, and owns the fee title to and easements in, property along the Rio Hondo and San Gabriel River; and

WHEREAS, LACFCD is authorized to provide, by agreement with other public agencies or private persons or entities, for the recreational use of the lands, facilities, and works of the LACFCD, which shall not interfere or be inconsistent with the primary use and purpose of such lands, facilities, and works for flood control and water conservation and to preserve, enhance, and add recreational features to its properties for the protection, preservation, and use of the scenic beauty and natural environment; and

WHEREAS, AMIGOS has completed the Emerald Necklace Vision Plan for enhancing land and facilities along the Rio Hondo and San Gabriel River with the goals of providing better neighborhood access and connection; increasing open space, wildlife

habitat, and recreation; incorporating art and cultural activities; and providing education opportunities and civic engagement; and

WHEREAS, COUNTY, by and through DPW, administers all matters for LACFCD pursuant to Section 56-3/4 of COUNTY's Charter and in accordance with an agreement approved on December 26, 1984, between COUNTY and LACFCD; and

WHEREAS, DPW while performing the primary function of flood control and water conservation on behalf of LACFCD, is willing to cooperate, where feasible, with AMIGOS in the development of the Emerald Necklace; and

WHEREAS, DPR while performing the primary function of providing multiuse trails, parks and recreation, is willing to cooperate, where feasible, with AMIGOS in the development of the Emerald Necklace; and

WHEREAS, the Parties to this MOU desire to work together to develop a framework to improve the process by which Emerald Necklace projects are reviewed, approved, and implemented; and

WHEREAS, AMIGOS desires to use LACFCD's digital mapping products solely for internal and noncommercial purposes and for purposes no greater than reasonably needed to achieve the objectives described in this MOU.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by this MOU, the Parties agree as follows:

(1) DEFINITIONS:

- a. Project, as referred to in this MOU, shall mean the construction or installation of native landscaping and passive recreational improvements proposed to be located, in whole or in part, on property owned or leased by COUNTY or LACFCD within the Emerald Necklace, and which relate to the protection, preservation or use of the scenic beauty, and natural environment of said property.
- b. Project Documentation, as referred to in this MOU, shall mean a document that includes, without limitation, a schematic design and/or detailed description of a project consisting of a definitive location showing project limits, Scope of Work, a construction cost estimate, and an estimated time of implementation.
- c. Flood Permit, as referred to in this MOU, shall mean a permit issued by DPW's Construction Division's Permit and Subdivisions Unit, authorizing the construction of specific improvements on or affecting LACFCD property or facilities in accordance with DPW-approved plans and specifications.

- d. Partnership Form, as referred to in this MOU, shall mean the form entitled "Request to Enter into a Partnership with the Los Angeles County Flood Control District" found at <http://dpw.lacounty.gov/wmd/>.
- e. Project Process, as referred to in this MOU, shall mean the Project review and approval process utilized by DPR, as depicted in the Project Process Chart, attached hereto as Exhibit 1.

(2) PURPOSES OF MOU:

- a. To provide an understanding of the Parties' intentions, goals, responsibilities, and plans concerning the Emerald Necklace.
- b. To provide for coordinated Project reviews by the Parties.
- c. To provide for timely and efficient Project communications between the Parties.
- d. To clarify the process through which AMIGOS may request approval from DPW and/or DPR to implement and maintain Projects.
- e. To increase the number of multibenefit projects along the Emerald Necklace.

(3) EMERALD NECKLACE WORKING COMMITTEE:

- a. The Parties shall establish a working committee to perform the functions described below. The working committee shall be comprised of at least one representative from each of the following: DPR, DPW, Supervisorial District 1, Supervisorial District 5, and AMIGOS, as well as any other invited agencies/organizations.
- b. The functions of the working committee shall include the following:
 - 1. Meet regularly to ensure progress on collaboration efforts.
 - 2. Establish a list of priority Projects on which the Parties can collaborate.
 - 3. Establish responsibilities for the evaluation of the environmental impacts of the Emerald Necklace at a programmatic level within six (6) months of the execution of this MOU.
 - 4. Maintain a list of possible grant opportunities, identified and sought by AMIGOS for implementation of Emerald Necklace Projects.
 - 5. Review proposed Project locations to determine the nature and extent of the property rights held by LACFCD, DPW, and/or DPR at those locations.

- c. DPW and DPR shall determine the feasibility of removing blockages/obstructions to the Emerald Necklace trail system previously identified by AMIGOS. Any recommendations for Projects derived out of this feasibility analysis may be added to the list of priority Projects established by the working committee.

(4) PROJECT APPROVAL:

- a. AMIGOS shall submit a completed Partnership Form and Project Documentation to DPW during the planning of each Project proposed to be located on property owned, operated or maintained by LACFCD or on property owned or leased by COUNTY and under the jurisdiction of DPW. DPW shall review and respond to AMIGOS within forty-five (45) working days of its receipt of the Partnership Form, Project Documentation, and any additional information it deems necessary to evaluate the Partnership Request and Project. DPW's review shall include consultation with and input from DPR whenever the proposed Project may impact a facility operated by DPR.
- b. AMIGOS shall submit Project Documentation to DPR in accordance with the Project Process (Exhibit 1) during the planning of each Project proposed to be located on property owned or leased by COUNTY and under the jurisdiction of DPR. DPR shall review and respond to AMIGOS within forty-five (45) working days of its receipt of all of these required submittals and identify any additional information it deems necessary to evaluate the submittals. DPR's review shall include consultation with and input from DPW where the proposed Project may impact a facility operated or maintained by DPW.
- c. AMIGOS shall revise the proposed Project, Partnership Form, and/or Project Documentation as necessary to satisfactorily address any comments raised by DPW or DPR.
- d. If DPW approves the proposed Project, Partnership and Project Documentation, DPW shall provide a letter of support to AMIGOS within twenty (20) working days of DPW's determination.
- e. If DPR approves the proposed Project and Project Documentation, DPR shall provide a letter of support to AMIGOS within twenty (20) working days of DPR's determination.
- f. AMIGOS shall comply with the following requirements prior to applying for or accepting any grant(s) for a Project:
 - 1. Complete the requirements described in paragraphs (4) a-c.

2. Obtain the written approval of DPW for all materials to be installed on LACFCD-owned property or facilities in connection with the Project.
 3. Obtain a right of entry permit and license agreement (license) from DPR for all materials to be installed on COUNTY-owned or leased property under DPR's jurisdiction or facilities on which COUNTY has trail rights of way/easements in connection with the Project. AMIGOS acknowledges that: (1) property leased to COUNTY by the U.S. Army Corps of Engineers (Corps) will need Corps' approval prior to DPR issuing the license; and (2) if the terms of the grant require AMIGOS to have a license with a term greater than ten (10) years, said license will have to be processed by the COUNTY's Chief Executive Office Real Estate Division.
- g. In the event AMIGOS does not apply for or accept any grant(s) in connection with a Project, AMIGOS shall comply with the requirements described in paragraphs (4) a-c prior to completing the final design of the Project.

(5) PROJECT CONSTRUCTION AND MAINTENANCE

- a. Prior to commencing any construction activities for any Project proposed to be located, in whole or in part, on property owned by LACFCD or on any facility operated and maintained by LACFCD, AMIGOS shall comply with the following:
 1. Apply for and obtain a Flood Permit from DPW for the Project. DPW shall review the permit application and if the application meets DPW's requirements, issue the Flood Permit within ninety (90) working days of the application or the receipt of any additional information DPW deems necessary to evaluate the permit application.
 2. If required by DPW, enter into a Use Agreement with LACFCD.
- b. Prior to commencing any construction activities for any Project proposed to be located, in whole or in part, on property or facilities owned or leased by COUNTY under DPR's jurisdiction, AMIGOS shall obtain a right of entry permit and license agreement (license) from DPR to use the property for said purpose. AMIGOS acknowledges that for property leased to the COUNTY by the Corps, the Corps will have to approve the use of its land for said purpose prior to DPR issuing the license.

- c. If requested in writing by AMIGOS, DPW, on behalf of LACFCD, shall maintain all improvements that are constructed or installed as part of an approved Project and in conformance with the terms of this MOU, that are located on property owned by LACFCD (except for Peck Water Conservation Park), after any necessary establishment periods.
- d. If AMIGOS intends for DPR to maintain any or all improvements constructed or installed in connection with a Project, it shall clearly state so in the Project Documentation so DPR can ascertain as part of the Project Process, whether funding commitment is feasible. However, nothing in this MOU shall commit DPR to fund the maintenance of any improvement.

(6) TERM:

- a. This MOU shall become effective on the date that this MOU is executed by all parties hereto and shall continue in perpetuity or until terminated in accordance with Section 6(b) of this MOU.
- b. This MOU may be terminated by any party by giving the other parties at least sixty (60) days prior written notice.

(7) MISCELLANEOUS PROVISIONS:

- a. DPW and DPR shall each assign at least one project manager for the Los Angeles and San Gabriel Rivers as a point of contact to facilitate collaborative efforts with AMIGOS.
- b. AMIGOS shall ensure that all proposed Projects are designed, constructed, and installed in compliance with the Los Angeles and San Gabriel River Master Plan Signage, Maintenance, and Landscape Guidelines.
- c. AMIGOS shall ensure that all Grant Agreements executed by AMIGOS acknowledge that any use by AMIGOS of LACFCD property and/or facilities shall be subject to the terms and conditions of LACFCD's standard form Use Agreement.
- d. AMIGOS shall execute a separate Incidental Use License Agreement prior to the use of any LACFCD digital mapping products. Under the Incidental Use License Agreement, which is nonexclusive, nontransferable, and nonassignable, AMIGOS must agree to use the digital mapping products solely for the purpose of the Project(s) and to achieve the objectives described in this MOU. Users shall have the right to use the digital mapping products to produce plots, printouts, displays, photography films, and printing matters for this purpose from the effective date to the termination of the Incidental Use License Agreement.

- e. AMIGOS shall provide DPW and/or DPR, upon request and without charge, with all digital mapping products, surveys, and project planning documents developed for any and all Projects.
- f. The Parties shall provide to each other the name(s) and contact information for person(s) responsible for administering the requirements set forth in this MOU.
- g. DPW shall waive permit fees for all Projects that are approved by DPW.
- h. This MOU may be amended at any time by the mutual written consent of the Parties.
- i. Whenever a notice is required under this MOU, such notice shall be in writing and shall be delivered to the addresses below. Notice shall be effective on the next business day after delivery by whatever means prior to 5 p.m. to the following addresses:

DPW: Ms. Gail Farber
Director of Public Works
County of Los Angeles
P.O. Box 1460
Alhambra, CA 91803-1331
Telephone: (626) 458-4002
Fax: (626) 458-4022

DPR: Mr. Russ Guiney
Director of Parks and Recreation
County of Los Angeles
433 South Vermont Avenue
Los Angeles, CA 90020
Telephone: (213) 738-2951
Fax: (213) 738-6444

AMIGOS: Amigos de Los Rios
244 Santa Anita Avenue
Altadena, CA 91001
With a copy to:
Ms. Jane Guerin
1925 Century Park East, Suite 1700
Los Angeles, CA 90067

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed by their duly authorized representatives and affixed as of the date of signature of the Parties:

COUNTY OF LOS ANGELES

By _____
Director of Public Works

Date

By _____
Director of Parks and Recreation

Date

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By _____
Deputy

Date

AMIGOS DE LOS RIOS

By _____
Claire Robinson

Date

APPROVED AS TO FORM:

JANE GUERIN

By _____
Attorney

Date

EXHIBIT 1

COUNTY OF LOS ANGELES DEPARTMENT OF PARKS AND RECREATION

PROJECT PROCESS WITH COLLABORATING PARTNERS

PROJECT PROCESS	1. PROJECT INCEPTION	2. SITE ANALYSIS*	3. CONCEPTUAL SCOPE	4. FUNDING COMMITMENT START UP	5. COST ESTIMATE	6. COMMUNITY NEEDS ASSESSMENT	7. FACILITY PROGRAM*	8. TURN-OVER FOR PROJECT MANAGEMENT	9. SCOPE / COST ESTIMATE RECONCILIATION FULL FUNDING COMMITMENT	10. CONSULTANT SELECTION ARCHITECTURAL PROGRAM	11. SCHEMATIC DESIGN REVIEW*	12. DESIGN DEVELOPMENT REVIEW* (If required)	13. CONSTRUCTION DOCUMENT REVIEW * 50%, 75%, 90%, 100% (as required)	14. BID / AWARD	15. CONSTRUCTION PROCESS	16. QUALITY CONTROL	17. ACCEPTANCE	18. WARRANTY
AGENCIES	← FEASIBILITY →																	
Department of Parks and Recreation (DPR)		Review feasibility analysis - RTP - ENV - LAND ACQ	Review conceptual scope of project - AD - WCP		Confirm cost estimate		Review facility programming	Support	Support	Review/ comment and provide park standards - AD		Develop design element of project - AD	Review construction documents - AD		- Construction - Review scope/ change order		Facility commissioning	
Department of Planning (DP)		Review land & grant restrictions - Grants					Support			Review and comment				Support & review board letter				
Department of Public Works (DPW)		Review & approve feasibility analysis	Review conceptual scope of project			Outreach & facilitate community needs assessment	Review facility programming	Support	Support	Review and comment	Attend review meeting	Review and comment	Review construction documents		- Construction - Review scope/ change order			Support as needed
Department of Finance (DOF)		Review as needed	Review as needed			Attend meeting			Support									
County of San Diego (CSD)	Define project	Lead	Develop scope	Identify funding	Determine cost estimates	Review community needs assessment	Lead	Lead	Review necessary and scope of project and cost estimate	Develop and prepare architectural program	Develop schematic design and attend review meeting	Develop design element of project	Review construction documents	Support & review board letter	Construction Review/ approve scope/ change order	Conduct quality control of construction process	Accept and approve project	Administer warranty

LEGEND	ABBREVIATION	APPENDIX
Lead Group Support Group Lead Group Support Group Lead Group Support Group	- DPR: Department of Parks and Recreation - P & D: Planning & Design Section - ENV: Environmental & Regulatory Permitting Section - LAND ACQ: Land Acquisition/ Obligation Section - RTP: Research & Trails Planning Section - AD: Architecture & Design Section - FP: Facilities Planning Section - WCP: Water & Conservation Planning Section	* See attachment for a detailed process of the steps below. 2. Feasibility Study/ Grants Opportunities 6. Facility Program Process 11. Schematic Design Review Process 12. Design Development Review 13. Construction Document Review